

REMARKS

Claims 1, 2, 5-17, 22-31, 34-39 and 41-47 are pending in the application. Claims 5-7 and 31 have been withdrawn from consideration. Claims 2-4, 9, 18-21, 29-30, 32-35, 40, 46-47 have been canceled without prejudice or disclaimer, claims 1, 8 and 28 have been amended, new claims 48 and 49 have been added. No new matter has been added. Reconsideration of the claims is respectfully requested.

Applicants thank the Examiner for favorable consideration and allowance of Claims 14-17, 22-27, 36-39 and 41-45.

In paragraph 4 on page 2 of the Office Action, claims 1, 8, 10, 28, 30 and 47 are rejected under 35 U.S.C. §102 (b) as being anticipated by Kromer (US Patent No. RE 24,353).

In paragraph 6 on page 3 of the Office Action, claims 2, 9, 29, 34 and 35 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Kromer (US Patent No. RE 24,353).

To anticipate a claim, the reference must teach every element of the claim. "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). "The identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). Therefore, all claim elements, and their limitations, must be found in the prior art reference to maintain a rejection based on 35 U.S.C. §102.

Of the claims that were rejected above, the Kromer reference is used as the sole basis therefore. The claims as now amended (1, 8, 28 and new claims 48 and 49) and are submitted to be distinguishable over this reference under sec 102 and likewise under sec 103 of the patent law, if it were so applied.

Claims 1 and 8 now point out a critical distinction between Kromer and the present invention, namely, that the fluid deflection occurs entirely on the impingement surface and not on the discharge surface as is the case in Kromer. Kromer's discharge surface 13 is nonplanar and contributes of the dispersion pattern created between surfaces 6 and 13. This creates an important distinction. Because there is interaction

between the surfaces, it is a complex problem to change the pattern by changing only one of the surfaces. In the present invention, the discharge surfaces if planar and modification of the impingement surface provides complete control of the dispersion. Claims 28 and 48-49 point out how this advantage can be used in making a simple system of a plurality of impingement surfaces which allow for a multitude of dispersion patterns to be created by modifying only one part. In Kromer, the discharge surface itself creates a limitation in the flexibility of the system. This is an important and valuable distinction and one that is clearly not possible to derive from Kromer as it teaches the opposite construction.

In view of the amendments and reasons provided above, it is believed that all pending claims are in condition for allowance. Applicant respectfully requests favorable reconsideration and early allowance of all pending claims.

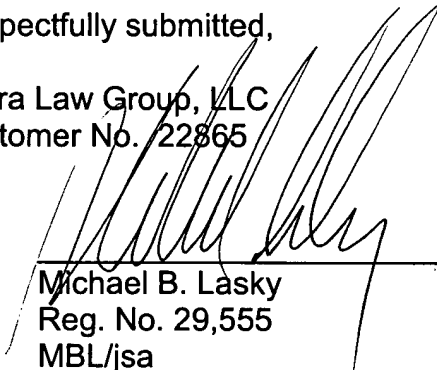
If a telephone conference would be helpful in resolving any issues concerning this communication, please contact Applicant's attorney of record, Michael B. Lasky at (952) 253-4106.

Respectfully submitted,

Altera Law Group, LLC
Customer No. 22865

Date: November 1, 2005

By:



Michael B. Lasky
Reg. No. 29,555
MBL/jsa